

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6538**

**BILL NUMBER:** SB 84

**NOTE PREPARED:** Feb 18, 2003

**BILL AMENDED:** Feb 11, 2003

**SUBJECT:** Open Alcoholic Beverage Containers.

**FIRST AUTHOR:** Sen. Wyss

**FIRST SPONSOR:** Rep. Welch

**BILL STATUS:** As Passed - Senate

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☒ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill makes it a Class B infraction for the driver of a motor vehicle, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, to allow an alcoholic beverage container that has been opened, that has a broken seal, or from which some of the contents have been removed to be in the passenger compartment of the motor vehicle. It provides certain exceptions.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** Under current law, a person commits a Class B infraction when operating a motor vehicle with a blood alcohol content at or above a specified limit and when allowing a container in the passenger compartment that has been opened, that has a broken seal, or from which some contents have been removed. Under the bill, the blood alcohol content condition would be removed, so that an open container in the passenger compartment of a vehicle would be punishable by a Class B infraction. The bill provides for certain exceptions for a person who is not the driver of certain types of vehicles and for a vehicle that is not equipped with a trunk.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

*Effect on Federal Funding:* This bill could impact federal transportation funding that Indiana is projected to receive if the state has not enacted and is not enforcing an open container law.

Because Indiana does not have any acceptable language for open container laws, federal monies that were originally available for roads and other transportation improvements now must be used for enforcement of drunk driving laws by the law enforcement agencies in Indiana or specific hazard elimination activities by the USDOT..

Since FFY 2001, INDOT has transferred \$27,152,342 from its federal highway funding accounts to the Governor's Council on Impaired and Dangerous Driving for alcohol-related prevention activities. This includes the estimated FFY 2003 transfer of \$13,559,578. Consequently, this is money that was no longer available for road building and repair and only available for law enforcement.

In the process of these transfers, Indiana lost \$1.6 M in combined years FFY 2001 and FFY 2002 and could lose as much as \$3.5 M in FFY 2003.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Laurie Maudlin, Indiana Department of Transportation.

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